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Attorney for **RAKESH VIJ**

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

In re
GAVIN GREGORY MEHL
Debtor,

Bankruptcy Case No. 19-26296

DC No. CPG-001

**MOTION FOR RELIEF FROM STAY
BY RAKESH VIJ**

Local Rule 9014-1 (f) (2)

**Date: October 22, 2019
Time: 1:30 p.m.
Courtroom: 33
Dept.: C**

COMES NOW CREDITOR RAKESH VIJ (hereinafter VIJ) who requests relief from the automatic stay to take any and all steps necessary or permitted in accordance with applicable state law to obtain control and possession of the property commonly known as known 890 WEDGEWOOD COURT, WEST SACRAMENTO, CA 95605, YOLO COUNTY; APN 014-730-013 (hereinafter Subject Property) including but not limited to prosecution of an unlawful detainer action entitled Rakesh Vij v Gavin Mehl, et al, Yolo County Superior Court action UD19-879 as allowed by state law.

1 Movant also requests an order waiving the fourteen day stay described in Bankruptcy Rule
2 4001(a)(3).

3 The Motion is based upon cause, lack of equity and the fact that the Subject Property is
4 not necessary for reorganization.

5 On October 7, 2019, Debtor herein, GAVIN MEHL (hereinafter MEHL) filed a voluntary
6 petition under Chapter 13 of the Bankruptcy Code. As a result of said filing, certain acts and
7 proceedings against Debtor and the bankruptcy estate are stayed as provided in 11 U.S.C. §362.
8

9 The petition was filed one day before a scheduled motion for summary judgment and one
10 week before a scheduled trial in an unlawful detainer case entitled Rakesh Vij v Gavin Mehl, et
11 al, Yolo County Superior Court action UD19-879.
12

13 Movant seeks relief from the automatic stay to take any and all steps necessary or
14 permitted in accordance with applicable state law to obtain control and possession of the Subject
15 Property including but not limited to prosecution of the above referenced unlawful detainer
16 action.
17

18 Movant seeks relief pursuant to 11 U.S.C. §362(d)(1) and (2) for cause; and lack of
19 equity and the fact that the Subject Property is not necessary for an effective reorganization, due
20 to the foreclosure sale of the of the Subject Property having taken place on March 12, 2019, pre-
21 petition, with Movant having purchased the Subject Property at said sale. Debtor has no
22 ownership interest in the Subject Property, the Subject Property is not property of the estate and
23 debtor is not paying any rent, or monies to Movant, all to Movant's injury.
24

25 In addition to the other cause for relief set forth herein, this is the second bankruptcy filing that
26 has delayed the unlawful detainer case. (Prior bankruptcy filing as to Donovan Constantine
27 Eastern District of California Bankruptcy #19-23900 was filed on June 20, 2019, one day before
28

a previously scheduled unlawful detainer trial; and Movant is informed and believes that Donovan Constantine is a fabricated person and the prior filing was fraudulent) In addition, Debtor herein, GAVIN MEHL has also filed two removals of the unlawful detainer action, Eastern District Case #s 2:19-cv-01686 and 2:19-cv-01003 to delay the unlawful detainer action.

The fair rental value of the property is \$133.33 per day. Holdover damages continue to accrue at the rate of \$133.33 per day per day as a result of movant's inability to obtain possession of the Subject Property. Debtor has no equity in the Subject Property and is only a claimed occupant of the Subject Property.


WHEREFORE, Movant seeks relief from the automatic stay to take any and all steps necessary or permitted in accordance with applicable state law to obtain control and possession 890 WEDGEWOOD COURT, WEST SACRAMENTO, CA 95605, YOLO COUNTY; APN 014-730-013, including but not limited to prosecution of an unlawful detainer action entitled Rakesh Vij v Gavin Mehl, et al, Yolo County Superior Court action UD19-879 as allowed by state law.

Movant also requests that the court waive the 14 day stay provided by Federal Rule of Bankruptcy Procedure 4001 (a) (3).

Respectfully submitted,

Dated: October 8, 2019

GREISEN LAW CORPORATION


CARY P. GREISEN, Attorneys for RAKESH VIJ